

## **OFFICE OF ATTORNEY GENERAL TERRY GODDARD**

### **House Bill 2815 Provisions pseudoephedrine sales; restrictions; penalties**

Methamphetamine abuse in Arizona is destroying lives, killing law enforcement officers, leaving children without parents, generating waves of crime in our neighborhoods, flooding our hospitals with patients, filling our jails with criminals, and poisoning our environment.

Arizona can take action to stop the local labs. Following Oklahoma and over a dozen other states that have reduced neighborhood meth labs by as much as 70%, Arizona Attorney General Terry Goddard is asking parents, law enforcement officers, fire fighters, teachers, health care providers, religious leaders and all other concerned individuals to band together in support of House Bill 2815 to shut down meth labs in our state and help fight meth abuse in Arizona. HB 2815 is modeled after laws that have reduced the number of labs in other states by separating meth cooks from their key ingredient - pseudoephedrine.

First, HB 2815 moves pseudoephedrine products behind the pharmacy counter or to a location controlled by licensed pharmacy staff. This will reduce the theft of products necessary to make meth and will give our trusted pharmacists control of this abused substance.

Second, it limits the sale of pseudoephedrine products to nine grams in a 30 day period unless the customer has a prescription. This limit, which is 367 tablets of the typical cold and allergy product, is more than enough to permit adults and parents to treat symptoms while crippling the ability of meth cooks to amass large quantities of the drug they need to make meth, pseudoephedrine.

Third, it requires pseudoephedrine buyers to be at least 18 years of age. Given the abuse of meth by children, we must take logical steps to keep the key ingredient for making meth out of their hands.

Fourth, HB 2815 creates a written or electronic log so legitimate customers can get products with pseudoephedrine, but meth cooks cannot hoard these products to make meth as they currently do. By logging sales, meth cooks will either be prevented from buying excessive amounts of pseudoephedrine or they will risk being identified by their repeated purchases. The log will have the date of transaction, customer's name, date of birth, amount of pseudoephedrine purchased, type of identification provided and signature of the customer. No Social Security numbers or addresses will be requested or kept. Pharmacies currently keep this type of information as well as other more personal data. The log will be available for inspection by law enforcement (or submitted to police if required by local ordinances) to help track down meth cooks.

Fifth, it creates a series of civil penalties to encourage compliance with the log requirement. Penalties for failure to maintain the log begin with a written warning and escalate to a \$1,000 civil penalty for the sixth violation. A pharmacy that refuses to enter the required information in a log will face a maximum \$1,000 civil penalty. By cooperating with local pharmacists, other states are having great success without inconveniencing legitimate customers. Unfortunately, fines are necessary to make sure that unscrupulous vendors do not profit by selling products to meth cooks.

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Sixth, it makes it clear that a person who uses fake identification to buy pseudoephedrine is guilty of a class 4 felony, consistent with current law. This provision will enable law enforcement to further penalize meth cooks who try to circumvent the log by using fake or forged identification.

Finally, the bill does not preempt the local ordinances adopted by cities and towns to protect our neighborhoods from meth labs. Working together, prosecutors across our state can use their local ordinances and the provisions of HB 2815 to help stop meth cooking in Arizona.